

Informational Brief to SwA - DHS

14th Semi-Annual Software Assurance Forum

Intellectual Property Enforcement Coordinator (IPEC)

Mike Powers

NASA HQ

March 2, 2011

Agenda Topics:

- About IPEC
- Progress on the Intellectual Property Enforcement Strategy
- Establishment of a U.S. Government-Wide Working Group to Prevent the US Government Purchase of Counterfeit Products

About IPEC

- PRO-IP Act 2008 – Establishes a new executive branch office, Intellectual Property Enforcement Coordinator, within the Executive Office of the President.
- September 2009 - Victoria Espinel was appointed by the President to serve as the first Intellectual Property Enforcement Coordinator in developing and implementing the Administration's overall strategy for enforcement of intellectual property.

“[W]e’re going to aggressively protect our intellectual property. Our single greatest asset is the innovation and the ingenuity and creativity of the American people. It is essential to our prosperity and it will only become more so in this century.”- President Barack Obama, March 11, 2010.

- June 2010 – Victoria Espinel submitted to Congress the 2010 Joint Strategic Plan on Intellectual Property Enforcement
 - 33 Enforcement Strategy Action Items
 - Agencies’ Intellectual Property Enforcement Missions

About IPEC

- Why Intellectual Property Rights So Important??
 - Strengthen the economy, support jobs, and promote exports.
 - Infringement of intellectual property can hurt our economy and undermine U.S. jobs.
 - Infringement reduces our markets overseas and hurts our ability to export our products.
 - Counterfeit products can pose a significant threat to the health and safety of us all.
- Intellectual Property Enforcement means/**laws protecting**:
 - copyrights/patents/trademark/trade secrets
 - combating counterfeit and infringing goods
 - other forms of intellectual property
 - In U.S. and abroad

Progress on the Intellectual Property Enforcement

- February 2011 - IPEC sent to Congress the 2010 U.S. Intellectual Property Enforcement Coordinator Annual Report on Intellectual Property Enforcement
- Some of the significant accomplished activities from the annual report are:
 - **Voluntary Private Sector Action:** Companies to form a non-profit organization to take voluntary enforcement action against illegal online pharmacies. (Google, Microsoft, Yahoo, PayPal, MasterCard, Visa, American Express, GoDaddy, and etc.).
 - **Anti-Counterfeiting Trade Agreement:** In November 2010, the U.S. Trade Representative concluded the negotiations of the Anti-Counterfeiting Trade Agreement (ACTA) with 38 countries, **representing over 50% of global trade**. ACTA is the first international agreement entirely focused on intellectual property enforcement.
 - **Increased Law Enforcement Action:** In June/July 2010– DOJ, HSI, and ICE, had two of the largest counterfeit cases in U.S history, each involving \$100M of counterfeit goods. Also, DOJ, FBI, HSI, ICE continued prosecuting defendants which targeted the sale of counterfeit computer network hardware – Led to more than 30 convictions and seizure of more \$143M in counterfeit goods.

Establishment of a U.S. Government-Wide Working Group to Prevent the US Government Purchase of Counterfeit Products

Anti-Counterfeiting Action Items from February 2011 IPEC Annual Report

- **Establish procedures for program managers to identify items at risk for counterfeiting or requiring authentication of legitimacy. These procedures will, to the greatest extent practicable, utilize current industry standards.**
- **Examine whether regulations are needed to require suppliers to take stronger anti-counterfeiting measures.**
- **Examine when prime contractors and their suppliers should ensure that at-risk items can be traced to the original manufacturer and how that production authority can be confirmed.**
- **Consider when products and their packaging should be marked to designated industry standards, enable traceability and verify authenticity.**
- **Examine government/industry evaluation capabilities and determine whether improvement is needed.**
- **Establish an anti-counterfeiting training and outreach strategy for the Federal workforce.**
- **Examine whether additional measures are needed to protect the rights and interests of the U.S., recoup costs and prosecute offenders.**

U.S. Government-Wide Working Group

Status of Next Steps

- ✓ Dec 15th - Joint meeting with DoD/NASA/GSA to further refine the proposed course(s) of action, develop a high level strategy document, establish action leads and prepare for next ad-hoc group meeting
- ✓ Jan 19th – Federal outreach to Agency and Industry session to share best practices and information
- ✓ Feb 15th – Invitation to Federal Agencies for Mar 14th kick-off meeting
- Sep 14th – Federal Anti-Counterfeiting Strategy Due

Point of Contacts:

Michael.L.Powers@NASA.gov

<http://www.whitehouse.gov/omb/intellectualproperty>

“We must also work hard to protect our intellectual property to ensure that the innovative ideas and creative products reach their full potential without being stolen, co-opted or, quite frankly, compromised.” Vice President, Joe Biden